## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

James A. Thompson,	)	C/A 3:04-2406-CMC-BM
	)	
Plaintiff,	)	
	)	
v.	)	OPINION AND ORDER
	)	
Lexington County Sheriff's	)	
Department,	)	
	)	
Defendant.	)	
	)	

Plaintiff Thompson, who is a former employee of Defendant Lexington County Sheriff's Department, filed this action, *pro se*, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq*. Defendant filed a motion to dismiss and the court advised Plaintiff of the importance of a motion to dismiss, the need for Plaintiff to file a response, and the possible consequences if he failed to respond. Plaintiff filed no response to the motion to dismiss. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bristow Marchant.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, \_\_F.3d\_\_, 2005 WL 1713188, at \*3 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead

3:04-cv-02406-CMC Date Filed 08/31/05 Entry Number 26 Page 2 of 2

must 'only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation." (quoting Fed. R. Civ. P. 72 advisory committee's note).

Based on his review of the record, the Magistrate Judge has recommended that

Defendant's motion to dismiss be granted and the action be dismissed for lack of prosecution

because Plaintiff has failed to respond to Defendant's motion to dismiss and motion to compel and

has failed to comply with the court's orders.

After reviewing the complaint, the motions, the record, the applicable law, and the Report

and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the

recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the

Magistrate Judge is adopted and incorporated by reference. This action is DISMISSED for lack

of prosecution.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina August 31, 2005

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2